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CITY AND COUNTY OF SAN FRANCISCO, et al

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MERCY AMBAT, et al,

No. CV 07-03622 SI

Plaintiffs,
vs.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

**STIPULATION FOR ORDER AND ORDER
PERMITTING CONSOLIDATION OF
ACTIONS AND PERMITTING FILING OF
PLAINTIFF'S FIRST AMENDED COMPLAINT
FOR DAMAGES AND INJUNCTIVE RELIEF**

Also consolidated into this action is:

PAMELA WALKER, et al,

No. 3 CV 08-2406

Plaintiffs,
vs.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

1 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that:

- 2 (a) Plaintiffs represent there are additional San Francisco Deputy Sheriffs who have filed
- 3 claims of discrimination and retaliation with the United States Equal Employment
- 4 Opportunity Commission and who wish to be a part of one action, hence will seek
- 5 leave to add them at the appropriate time;
- 6 (b) In a Case Management Conference, the Court has indicated a desire to secure all
- 7 parties in one complaint so that it would assist in the efficient operation of the court
- 8 and resolution of this matter;
- 9 (c) Three actions have been filed for the claims of gender discrimination at the San
- 10 Francisco County Jail, (a) U.S. District Court Action Number CV 07-03622 SI
- 11 entitled *Ambat v. City and County of San Francisco*; U.S. District Court Action
- 12 Number 3 CV 08-2406 entitled *Walker v. City and County of San Francisco*; and
- 13 similar claims in the California Superior Court, San Francisco, in the case entitled
- 14 *San Francisco Deputy Sheriff's Association, et al, v. The City and County of San*
- 15 *Francisco*, Superior Court Number CPF-07-567047.
- 16 (d) That on May 9, 2008, all remaining plaintiffs dismissed without prejudice all claims
- 17 in the case in California Superior Court, San Francisco, entitled *San Francisco*
- 18 *Deputy Sheriff's Association, et al, v. The City and County of San Francisco*,
- 19 Superior Court Number CPF-07-567047, leaving only *Ambat* and *Walker* as the
- 20 remaining actions before the courts.
- 21 (e) The parties agree with the Court that consolidating the *Ambat* action and the *Walker*
- 22 action would enhance the resolution of the issues at the core of this action to have all
- 23 of such issues resolved in one suit;
- 24 (f) Because current law provides only the employer may be liable for discrimination and
- 25 retaliation, the First Amended and Consolidated Complaint does not name any
- 26 individual defendants and contains no claims against individual defendants.
- 27 Therefore, the pending motion in the *Ambat* case should be dismissed as moot and
- 28 removed from the court's calendar.

1 (g) With both actions consolidated into one complaint, a copy of which is attached as
2 Exhibit A, the case is now set for hearings on Summary Judgment/ Adjudication and
3 further Case Management Conference.

4 (h) The purpose of this stipulation is to permit the plaintiffs to file the First Amended and
5 Consolidated Complaint without resorting to a motion for leave to amend and or a
6 motion to consolidate. By entering into this Stipulation, the City does not waive its
7 rights to challenge the First Amended and Consolidated Complaint, or any portion
8 therefore, on any lawful ground at any proper time.

9 (i) Based on the forgoing representations and stipulation, the parties respectfully request
10 that the Court issue an order consolidating the *Ambat* and *Walker* actions, authorizing
11 plaintiffs to file their First Amended and Consolidated Complaint, and dismissing as
12 moot the pending motion to dismiss the individual defendants in *Ambat*.

13 Date: September 29, 2008

14 MURRAY & ASSOCIATES

SAN FRANCISCO CITY ATTORNEY OFFICE

16 /s/ Lawrence D. Murray

17 Lawrence D. Murray

18 Attorney for Plaintiffs

/s/ Rafal Ofierski

Rafal Ofierski

19 Attorney for Defendants City and County of San
20 Francisco, et al.

ORDER ON STIPULATION FOR ORDER

HAVING READ AND CONSIDERED THE FOREGOING, and good cause appearing:

The foregoing is the order of the court.

Date:

A handwritten signature in blue ink that reads "Susan Illston". The signature is fluid and cursive, with the "S" and "I" being particularly prominent.

SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE